

In the Matter of Merchant Mariner's Document No. Z-361406
Issued to: FRANK JONES

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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FRANK JONES

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 13 October, 1952, an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-361406 issued to Frank Jones upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as messman on board the American SS AFRICAN PILOT under authority of the document above described, on or about 7 September, 1952, while said vessel was in the port of Luanda, Portuguese Angola, he wrongfully had in his possession a narcotic substance - marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer made a statement of the circumstances attending the presentation of this charge, and in defense, Appellant offered his own unsworn statement which narrated the circumstances of his acquisition of the "congo tobacco" found on his person when apprehended by Portuguese Customs.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusion, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-361406 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged that the order of revocation be reconsidered in view of Appellant's prior clear record and his domestic problems arising from these proceedings as they affect innocent members of his family.

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

On or about 7 September, 1952, Appellant was serving as messman on board the American SS AFRICAN PILOT and acting under authority of his Merchant Mariner's Document No. Z-361406.

On the night of 7 September, 1952, while the vessel was at Luanda, Portuguese Angola, the person charged, returning from shore, was apprehended as he was mounting the gangway by a Customs agent of the port and upon being searched a quantity of marijuana (known in that locality as "congo tobacco") was found in a cloth package secreted underneath his shirt.

The "congo tobacco" was recognized by Appellant as a substance comparable to, if not actually, marijuana which it was wrong for him to try to bring on board the vessel.

OPINION

The Examiner's opinion very aptly states my own views on the subject; and needs no elaboration.

It is unfortunate that innocent persons may suffer because others who have responsibility are careless in their conduct; but as I appreciate the duty of the Coast Guard to protect lives and property at sea no departure is possible from the rigid policy that seamen who associate with narcotics in any form, shape or manner, are undesirable as members of the American Merchant Marine.

ORDER

The Order of the Examiner dated at New York, New York, on 13 October, 1952, is ~~AFFIRMED~~ **AFFIRMED**.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant